

Professional Misconduct and Physician Discipline



Physician Information

Physician
Search

Physician
Records

Physician Last Name:	Finver
Physician First Name:	Torin
Physician Middle Name:	Jonathan
Address:	401 East State Street 2nd Floor Ithaca, New York 14850
License Number:	200101
License Type:	MD
Year of Birth:	1964
Effective Date:	08/22/2014
Action Description for DOH Webpage:	License suspension, stayed with probation for seven years. The physician has completed the Addiction Medicine Fellowship and upon written approval by the Office of Professional Medical Conduct may engage in the active practice of medicine in a group setting. The physician may prescribe the following medications: Methadone, Buprenorphine, Naloxone, Suboxone, Vivitrol, Phenobarbital and Benzodiazepines. The physician may prescribe other similar controlled medications only with prior written approval by the Office of Professional Medical Conduct.
Misconduct Description for DOH Webpage:	This is a modification of the terms previously imposed on August 8, 2008 by BPMC Order #08-141 and later modified on October 5, 2012 and May 20, 2013 and does not constitute a new disciplinary action. Previously the physician had not contested the charge of being a habitual user of alcohol and/or drugs.
License Restrictions for DOH Webpage:	During probation the physician may only practice medicine when his practice is being supervised by a licensed physician board certified in an appropriate specialty and he is being monitored by qualified health care professionals.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

[Correct name as on license:
Torin Jonathan Finver]

OF

JONATHAN TORIN FINVER, M.D.

CONSENT
ORDER

BPMC No. #08-141

Upon the application of (Respondent) JONATHAN TORIN FINVER, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

Redacted Signature

DATE: 7-28-2008

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

[Correct name as on license:
Torin Jonathan Finver] OF

JONATHAN TORIN FINVER, M.D.

CONSENT
AGREEMENT
AND
ORDER

JONATHAN TORIN FINVER, M.D., representing that all of the following statements are true, deposes and says:

That on or about July 11, 1995, I was licensed to practice as a physician in the State of New York, and issued License No. 200101 by the New York State Education Department.

My current address is 101 East State Street, #210, Ithaca, N.Y. 14850, and I will advise the Director of the Office of Professional Medical Conduct ("OPMC") of any change of address.

I understand that the New York State Board for Professional Medical Conduct ("Board") has charged me with one specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the First Specification, Being An Habitual User, in full satisfaction of the charges against me, and agree to the following penalty:

My license shall be suspended for an indefinite period but no less than 12 months. I shall be subject to a condition that I comply with attached Exhibit "C" ("Guidelines for Closing a Medical Practice Following Medical License Revocation,

Surrender or Suspension of Six Months or More.") Upon compliance with all the conditions of this Consent Order, but no sooner than 12 months from the effective date of this Consent Order, I may petition the Board for a Modification Order staying the indefinite suspension of my license.

I understand and agree:

That any Modification Order the Board may issue, in the exercise of its reasonable discretion, may include terms of probation, and/or further conditions on my practice.

That the Board will exercise its reasonable discretion upon my petition for a Modification Order through a Committee on Professional Conduct after a proceeding in which I have met a burden of proof and persuasion, as further set forth in attached Exhibit "B".

That the Committee's exercise of discretion shall not be reviewable by the Administrative Review Board.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall return all official New York State prescriptions to the Bureau of Narcotic Enforcement, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 30 days of the Consent Order's effective date. Further, within 30 days of returning

these prescriptions and surrendering this Registration, Respondent shall provide the Director of OPMC ("Director") with written evidence, satisfactory to the Director, that Respondent has complied with this condition.

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including, but not limited to, the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with OPMC in its administration and enforcement of this Consent Order and in its investigation of all matters concerning Respondent. Respondent shall respond promptly to all OPMC requests for written periodic verification of Respondent's compliance with the terms of this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, and shall promptly provide OPMC with all documents and information within Respondent's control, as directed. This condition shall

take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York State Education Law § 6530(29).

If I am charged with professional misconduct in future, I hereby stipulate and agree that this Application and Consent Order, and/or related Modification Orders, shall be admitted into evidence in that proceeding as part of the Department's case-in-chief, at the sole discretion of the Department.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. This Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. I stipulate that the proposed sanction and

Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 7/17/08

Redacted Signature

~~JONATHAN TORIN FINVER, M.D.~~
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: _____

Attorney for Respondent ESQ.

DATE: 7/21/08

Redacted Signature

MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 7/24/08

Redacted Signature

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT "A"

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
TORIN JONATHAN FINVER, M.D.

STATEMENT
OF
CHARGES

TORIN JONATHAN FINVER, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 11, 1995, by the issuance of license number 200101 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. During periods in or before June 2008, Respondent was dependent on or a habitual user of drugs including heroin and other narcotics, cocaine and benzodiazepines.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

BEING AN HABITUAL USER

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(8) by being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, or having a psychiatric condition which impairs the licensee's ability to practice as alleged in the facts of the following:

1. Paragraph A.

DATE:

July
June 21, 2008
New York, New York

Redacted Signature

ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

1. The suspension of Respondent's license shall be terminated only after Respondent makes a showing to the satisfaction of a Committee on Professional Conduct (Committee) of the State Board for Professional Medical Conduct (Board) that Respondent has successfully complied with or completed a course of therapy and ongoing evaluation and is no longer incapacitated for the practice as a physician, and a Committee makes a determination that **Respondent is both fit and clinically competent to practice as a physician**. Respondent shall provide the Office of Professional Medical Conduct (OPMC) with a proposed treatment plan for advice as to whether it is generally appropriate; however, the determination of successful compliance with or completion of a course of therapy, and the determination that Respondent is no longer incapacitated for the active practice as a physician, shall be made solely by the Committee.
2. After Respondent completes at least 12 months of suspension pursuant to the terms of this Consent Order, and upon Respondent's request, a Committee shall be convened to hear and evaluate Respondent's showing, as set forth in paragraph 1 above. The Board will make reasonable attempts to convene a Committee within 90 days of Respondent's request; however, Respondent's request shall not be perfected until the Director of OPMC receives all the required documentation, and complies with all the Conditions, set forth in paragraph 3 below. The Board shall determine the procedural nature of the proceeding through the exercise of the Director of OPMC's reasonable discretion upon consultation with Counsel, Bureau of Professional Medical Conduct (Counsel). Proceedings before a Committee shall **not** be in the nature of a hearing pursuant to N. Y. Pub. Health Law § 230, but shall instead be informal and intended only to address any facts, evidence, information, circumstances, or issues relating to the advisability of terminating Respondent's license suspension. The Committee shall be given access to evidence including, but not limited to:
 - a. Any evidence pertaining to Respondent's compliance with the conditions imposed.
 - b. Any evidence that the Director or Counsel deems appropriate.

3. Upon requesting that a Committee be convened, pursuant to paragraph 2, Respondent shall provide the Director of OPMC with the following:
- a. The signed acknowledgment and curriculum vitae from the proposed sobriety monitor referred to in paragraph 5c.
 - b. The signed acknowledgment and curriculum vitae from the proposed supervising physician referred to in paragraph 5d.
 - c. The signed acknowledgment and curriculum vitae from the proposed health care professional referred to in paragraph 5e.
 - d. Certified true and complete copies of all evaluation and treatment records relating to Respondent's substance abuse/dependence, psychological, psychiatric and/or mental health treatment, whether in an in-patient, out-patient, after-care or consultation setting; the certified records shall be forwarded directly to OPMC by the treatment providers, facilities and evaluators. The records shall reflect all treatment and evaluation provided, and shall include the results of all tests conducted to evaluate Respondent's fitness and clinical competence to practice medicine, whether the treatment, evaluation and testing occurred before, or while, the suspension was in effect.
 - e. Documentation of Respondent's participation in the program(s) of the Committee for Physicians' Health of the Medical Society of the State of New York or other equivalent program(s). Documentation shall include but not be limited to verification of compliance and results of forensically valid alcohol/drug screening.
 - f. Fully executed waivers of patient confidentiality concerning any previous and prospective treatment records.
 - g. A current, independent, in-depth chemical dependency and psychiatric evaluation by a board-certified psychiatrist specializing in addiction medicine.
 - h. Upon request of the Director of OPMC, Respondent shall attend, participate in and cooperate with an interview with designated personnel from the OPMC.

Provision of the documents listed in this paragraph shall not, alone, constitute a showing that Respondent is no longer incapacitated for active practice as a physician.

4. At least 14 days before the scheduled date of the proceeding referred to in paragraph 2, Respondent shall provide OPMC with the following:
 - a. Certified true and complete copies of records updating treatment and alcohol/drug screening since the date of the original submissions referred to in paragraph 3d.
 - b. Evidence that Respondent has maintained adequate knowledge and competence to practice as a physician; this evidence shall include documentation of continuing medical education and, at the Director of OPMC's request, a report of an independent evaluation of Respondent's medical knowledge and competence.

Submission of the evidence listed in this paragraph shall not, alone, constitute a showing that Respondent is no longer incapacitated for active practice as a physician.

5. If the Chair of the Committee issues an Order finding that Respondent has successfully completed the prescribed course of treatment and has regained fitness and competence to practice medicine, and therefore terminates the suspension of Respondent's license, the Order shall further impose a period of probation, pursuant to N.Y. Pub. Health Law § 230-a, during which **Respondent's practice as a physician shall be subject to conditions imposed for a period of no less than five years.** The minimum conditions shall include the following:
 - a. Respondent shall be required to comply with the terms of a continuing after-care treatment plan addressing the major problems associated with Respondent's illness.
 - b. At the direction of the Director of OPMC, Respondent shall submit to periodic interviews with, and evaluations by, a board-certified psychiatrist or other licensed mental health practitioner designated by the Director. This practitioner shall report to the Director regarding Respondent's condition and Respondent's fitness or incapacity to practice as a physician.

- c. Respondent's sobriety will be monitored by a health care professional proposed by Respondent and approved, in writing, by the Director of OPMC ("sobriety monitor"). The sobriety monitor shall not be a personal friend. The sobriety monitor shall be familiar with Respondent's history of chemical dependence, with this suspension and with the terms of probation to be set forth. The sobriety monitor shall acknowledge willingness to comply with the monitoring terms by executing the acknowledgment provided by OPMC.
 - i. Respondent shall remain drug and alcohol free.
 - ii. The sobriety monitor shall see Respondent at least twice during each month.
 - iii. The sobriety monitor shall direct Respondent to submit to unannounced tests of Respondent's blood, breath and/or urine for the presence of drugs or alcohol and shall report to OPMC within 24 hours if at any time a test is positive or is refused by Respondent. Respondent shall avoid all substances that may cause positive urine drug screens such as poppy seeds, mouthwash, cough medicine, etc. **Any positive result shall be considered a violation of probation.**
 - iv. The sobriety monitor shall report to OPMC **any** non-compliance with the imposed conditions.
 - v. Respondent shall ensure that the sobriety monitor submits quarterly reports to OPMC certifying Respondent's compliance, or detailing Respondent's failure to comply, with each of the conditions imposed. The reports shall include the results of all body fluid and/or breath tests for drugs and/or alcohol performed during that quarter.
- d. Respondent's medical practice shall be supervised by a licensed physician ("practice supervisor") proposed by Respondent and approved, in writing, by the Director of OPMC. The supervising physician shall be familiar with Respondent's history of impairment and with the Order and its conditions. The supervising physician shall supervise Respondent's compliance with the conditions of

practice imposed by the Order. The supervising physician shall be in a position to regularly observe and assess Respondent's medical practice. The supervising physician shall oversee Respondent's prescribing, administering, dispensing, inventorying and wasting of controlled substances. The supervising physician shall acknowledge willingness to comply with the supervision terms by executing the acknowledgment provided by OPMC.

- i. Respondent shall ensure that the supervising physician submits quarterly reports to OPMC regarding the quality of Respondent's medical practice, any unexplained absences from work and certifying Respondent's compliance with each condition imposed, or detailing Respondent's failure to comply.
 - ii. The supervising physician shall report any suspected impairment, inappropriate behavior, questionable medical practices or possible misconduct to OPMC.
- e. Respondent shall continue in treatment with a health care professional or program ("health care professional") proposed by Respondent and approved, in writing, by the Director of OPMC, for as long as the health care professional determines it is necessary.
 - i. Respondent shall ensure that the health care professional submits quarterly reports to OPMC certifying that Respondent is in compliance with treatment, or detailing Respondent's failure to comply.
 - ii. The health care professional shall report to OPMC immediately if Respondent is non-compliant with the treatment plan or demonstrates any significant pattern of absences.
 - iii. The health care professional shall acknowledge willingness to comply with the reporting requirements with respect to treatment by executing the acknowledgment provided by OPMC.

6. The terms set forth in paragraph 5 are the minimum probation terms related to fitness to practice to be imposed on Respondent upon the termination of Respondent's license suspension, and other terms may be added by the Committee. All compliance costs shall be Respondent's responsibility. Respondent's failure to comply with any condition imposed at the time of suspension termination may result in disciplinary action against Respondent with charges of professional misconduct as defined by the New York State Education Law, including but not limited to N.Y. Educ. Law § 6530(29).
7. If a Committee denies a petition by Respondent for license suspension termination, Respondent shall be barred from requesting that a Committee be convened to hear a petition for license suspension termination for 9 months from the date of the denial.
8. In addition to the terms set out in paragraph 5, and any other terms added by the Committee, upon the termination of Respondent's license suspension, Respondent shall also be subject to the following standard terms of probation:
 - a. Respondent's conduct shall conform to moral and professional standards of conduct and governing law.
 - b. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
 - c. Any civil penalty not paid by Respondent by the prescribed date shall subject Respondent to all legal provisions pertaining to debt collection, including the imposition of interest, late payment charges and collection fees, referral of the debt to the New York State Department of Taxation and Finance for collection, and the non-

renewal of permits or licenses. [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].

- d. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
- e. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to a review of office records, patient records, hospital charts, and/or electronic records, as well as interviews and/or periodic visits with Respondent and staff at practice locations or OPMC offices.
- f. Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.
- g. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by state rules and regulations regarding controlled substances.
- h. Respondent shall comply with this Consent Order and all its terms, conditions, restrictions, limitations and penalties and shall be responsible for all associated compliance costs. Upon receiving evidence of non-compliance with the Consent Order, or any violation of its terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any other proceeding against Respondent authorized by law.

EXHIBIT "C"

GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING MEDICAL LICENSE REVOCATION, SURRENDER OR SUSPENSION OF SIX MONTHS OR MORE

1. Respondent shall immediately cease the practice of medicine in compliance with the terms of the Consent Order. Respondent shall not represent that Respondent is eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within 15 days of the Consent Order's effective date, Respondent shall notify all patients that Respondent has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for continued care, as appropriate.
3. Within 30 days of the Consent Order's effective date, Respondent shall have Respondent's original license to practice medicine in New York State and current biennial registration delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within 30 days of the Consent Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least 6 years after the last date of service, and for minors, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to

the patient (not to exceed 75 cents per page). Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.

5. Within 15 days of the Consent Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender Respondent's DEA controlled substance certificate, privileges, and any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
6. Within 15 days of the Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at Respondent's practice location, Respondent shall dispose of all medications.
7. Within 15 days of the Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings, whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.
8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by Respondent or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred, on a patient's behalf prior to the Consent Order's effective date.
9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for 6 months or more pursuant to this Order, Respondent shall, within 90 days of the Consent Order's effective date, divest all financial interest in the professional services corporation in accordance with New York Business Corporation Law. If

Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Consent Order's effective date.

10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to 4 years, under N.Y. Educ. Law § 6512. Professional misconduct may result in penalties including revocation of the suspended license, and/or fines of up to \$10,000 for each specification of misconduct, under N.Y. Pub. Health Law § 230-a.

Howard A. Zucker, M.D., J.D.
Acting Commissioner of Health

NEW YORK
state department of
HEALTH

Public

Sue Kelly
Executive Deputy Commissioner

August 15, 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Torin Jonathan Finver, M.D.

REDACTED

Re: License No. 200101

Dear Dr. Finver:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 14-204. This order and any penalty provided therein goes into effect August 22, 2014.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

**IN THE MATTER
OF
TORIN JONATHAN FINVER, M.D.**

**THIRD
MODIFICATION
ORDER**

Upon the proposed Application for a Third Modification Order Pursuant to N.Y. Pub. Health Law § 230(10)(q) of TORIN JONATHAN FINVER, M.D. (LICENSEE), which is made a part of this Third Modification Order, it is agreed to and ORDERED, that the attached Application, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Third Modification Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Third Modification Order, either by first class to Respondent at the address in the attached Application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 8/14/2014

REDACTED

ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER
OF
TORIN JONATHAN FINVER, M.D.**

**APPLICATION
FOR A THIRD
MODIFICATION
ORDER**

TORIN JONATHAN FINVER, M.D., represents that all of the following statements are true:

That on or about July 11, 1995, I was licensed to practice as a physician in the State of New York, and issued License No. 200101 by the New York State Education Department.

My current address is REDACTED

and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I am currently subject to BPMC No. 13-135, a Second Modification Order, which went into effect on May 20, 2013, modifying BPMC Modification Order No. 08-141 ("First Modification Order"), which went into effect on October 5, 2012, and which modified Consent Order BPMC No. 08-141, which went into effect on August 8, 2008. The First Modification Order was an order of the State Board for Professional Medical Conduct, which issued following a proceeding before a Committee of the Board for Professional Medical Conduct, pursuant to the terms of the Consent Order and N.Y. Pub. Health Law Section 230. (The First and Second Modification Orders are attached as Attachment I). I hereby apply to the State Board for Professional Medical Conduct for an Order (henceforth

"Third Modification Order") modifying the Second Modification Order (and the prior Orders incorporated in the Second Modification Order), as follows:

The First Modification Order stayed the suspension of Licensee's license to practice medicine and imposed various conditions on his practice. The Second Modification Order modified certain conditions imposed pursuant to the First Modification Order, but only to a limited extent, as more fully reflected below. The Third Modification will further modify those conditions, as indicated below:

- The First Modification Order imposed a condition requiring that, prior to returning to the active practice of medicine in New York State, Licensee must either become certified by the American Board of Family Medicine, demonstrate board eligibility in any other medical subspecialty, or undergo a clinical competency assessment and successfully complete any directed retraining . The Second Modification Order modified this condition only to the limited extent that it permitted Licensee to participate in the State University of New York at Buffalo Addiction Medicine Fellowship Program without first fulfilling the requirements of this condition, and to manage patients as part of his training process. With respect to any other medical practice, Licensee was still required to fulfill the terms of this condition. Licensee has now completed the Addiction Medicine Fellowship referred to above. Pursuant to the Third Modification Order, Licensee may engage in

the active practice of medicine in a group setting, with the prior written approval of the Director of OPMC, as further set forth below.

- The First Modification Order imposed terms of probation upon Licensee for seven years, unless otherwise indicated. Among the terms of probation imposed was one that precluded Licensee from prescribing benzodiazepines and Schedule II and Schedule III controlled substances for the duration of the First Modification Order. The Second Modification Order modified this term of probation and its preclusions only to the limited extent that Licensee:
 - having obtained the appropriate DEA registration, and in the course of fulfilling his responsibilities as an Addiction Medicine Fellow under the terms of the State University of New York at Buffalo Addiction Medicine Fellowship Program, was permitted to prescribe the medications Methadone, buprenorphine, diazepam, and phenobarbital, only for the detoxification treatment of patients while Licensee was on educational clinical rotations at Erie County Medical Center and while working under the direct supervision of a faculty physician on the detoxification unit; and
 - having obtained the appropriate DEA registration and appropriate "waiver" and separate DEA number ("the X number"), and in the course of fulfilling his responsibilities as an Addiction Medicine

Fellow under the terms of the State University of New York at Buffalo Addiction Medicine Fellowship Program, was permitted to follow up to 30 patients in an outpatient continuity clinic, under the supervision of a faculty physician of the State University of New York at Buffalo, and was permitted to prescribe the medications buprenorphine/naloxone to these patients.

- Pursuant to the Third Modification Order, Licensee, having completed the Addiction Medicine Fellowship, may treat up to 100 patients for outpatient opiate addiction when authorized to do so by the DEA, and Licensee may prescribe to his patients (whether in-patient or out-patient) the following medications: Methadone, Buprenorphine, Naloxone, Suboxone, Vivitrol, Phenobarbital and Benzodiazepines. Licensee may prescribe other similar controlled medications for the treatment of addiction that are not specifically listed in this paragraph only with the prior written approval of the Director of OPMC.
- The Second Modification Order imposed an additional term of probation upon Licensee in addition to the ones imposed pursuant to the First Modification Order. Commencing upon the effective date of the Second Modification Order, Licensee was required to maintain, in a format acceptable to OPMC, a log of all ordering, prescribing, administering and/or

dispensing of all controlled substances. This log is required to include the following information: the drug, the dose, the patient, the diagnosis, the date that the drug was prescribed, and such other information related to ordering, prescribing, administering and/or dispensing as was requested by OPMC. This log is subject to review by the Licensee's Practice Supervisor (as required under the terms of paragraph 6 of the First Modification Order, and its subparagraphs) and Licensee is required to make this log, and the records of any patient referenced in this log, immediately available to OPMC, upon demand. The Practice Supervisor is required to examine this log, and to include, as part of the Practice Supervisor's review of the medical records of patients treated by Licensee, an examination of at least 10 medical records per month obtained through examination of the log entries. This Condition shall continue as written in the Second Modification Order.

- The First Modification Order imposed a term of probation that restricted Licensee's practice of medicine to a group setting for the duration of the Order. The Second Modification Order permitted the Licensee to participate in the State University of New York at Buffalo Addiction Medicine Fellowship Program consistent with this term of probation. Pursuant to the Third Modification Order, Licensee, having completed the Addiction

Medicine Fellowship, may engage in the active practice of medicine in a group setting, with the prior written approval of the Director of OPMC.

and

All remaining Terms and Conditions shall continue as written in the Second Modification Order (and in the prior Orders, as incorporated in the Second Modification Order.)

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive my right to contest the prior Orders, or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Bureau of Professional Medical Conduct, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 8/6/14

REDACTED

TORIN JONATHAN FINVER, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Application for a Third Modification Order and to its proposed penalty, terms and conditions.

DATE: 8/6/14

No Attorney
_____, ESQ.
Attorney for Respondent

DATE: 8/8/14

REDACTED

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

ATTACHMENT I
(Second Modification Order and its attachment)

Nirav R. Shah, M.D., M.P.H.
Commissioner

NEW YORK
state department of
HEALTH

Public

Sue Kelly
Executive Deputy Commissioner

May 13, 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Torin J. Finver, M.D.
REDACTED

Re: License No. 200101

Dear Dr. Finver:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 13-135. This order and any penalty provided therein goes into effect May 20, 2013.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED
Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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IN THE MATTER
OF
TORIN JONATHAN FINVER, M.D.

SECOND
MODIFICATION
ORDER

Upon the proposed Application for a Second Modification Order Pursuant to N.Y. Pub. Health Law § 230(10)(q) of TORIN JONATHAN FINVER, M.D. (LICENSEE), which is made a part of this Second Modification Order, it is agreed to and ORDERED, that the attached Application, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Second Modification Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Second Modification Order, either by first class to Licensee at the address in the attached Application or by certified mail to Licensee's attorney, OR
- upon facsimile transmission to Licensee or Licensee's attorney, whichever is first.

SO ORDERED.

DATE: 5/11/2013

REDACTED

ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
TORIN JONATHAN FINVER, M.D.

APPLICATION FOR A
SECOND
MODIFICATION
ORDER

TORIN JONATHAN FINVER, M.D., represents that all of the following statements are true:

That on or about July 11, 1995, I was licensed to practice as a physician in the State of New York, and issued License No. 200101 by the New York State Education Department.

My current address is REDACTED

and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I am currently subject to BPMC Modification Order No. 08-141 (Attachment I, hereafter referred to as "First Modification Order"), which went into effect on October 5, 2012, and which modified Consent Order BPMC No. 08-141, which went into effect on August 8, 2008. The First Modification Order is an order of the State Board for Professional Medical Conduct, which issued following a proceeding before a Committee of the Board for Professional Medical Conduct, pursuant to the terms of the Consent Order and N.Y. Pub. Health Law § 230. Pursuant to N.Y. Pub. Health Law § 230(10)(q), I hereby apply to the State Board for Professional Medical Conduct for an Order (henceforth "Second Modification Order"), modifying the First Modification Order, as follows:

The First Modification Order stayed the suspension of Licensee's license to practice medicine and imposed various conditions on his practice. Upon the effective date of this Second Modification Order, the conditions imposed pursuant to the First Modification Order are modified only to the limited extent indicated below:

- The First Modification Order imposed a condition requiring that, prior to returning to the active practice of medicine in New York State, Licensee must either become certified by the American Board of Family Medicine, demonstrate board eligibility in any other medical subspecialty, or undergo a clinical competency assessment and successfully complete any directed retraining. The Second Modification Order shall modify this condition only to the limited extent that Licensee may participate in the State University of New York at Buffalo Addiction Medicine Fellowship Program without first fulfilling the requirements of this condition, and may manage patients as part of his training process. With respect to any other medical practice, Licensee must still fulfill the terms of this condition.
- The First Modification Order imposed terms of probation upon Licensee for seven years, unless otherwise indicated. Among the terms of probation imposed was one that precluded Licensee from prescribing benzodiazepines and Schedule II and Schedule III controlled substances for the duration of the First Modification Order. The Second Modification

Order shall modify this term of probation and its preclusions only to the limited extent that Licensee:

- having obtained the appropriate DEA registration, and in the course of fulfilling his responsibilities as an Addiction Medicine Fellow under the terms of the State University of New York at Buffalo Addiction Medicine Fellowship Program, may prescribe the medications Methadone, buprenorphine, diazepam, and phenobarbital, only for the detoxification treatment of patients while Licensee is on educational clinical rotations at Erie County Medical Center and while working under the direct supervision of a faculty physician on the detoxification unit; and
- having obtained the appropriate DEA registration and appropriate "waiver" and separate DEA number ("the X number"), and in the course of fulfilling his responsibilities as an Addiction Medicine Fellow under the terms of the State University of New York at Buffalo Addiction Medicine Fellowship Program, may follow up to 30 patients in an outpatient continuity clinic, under the supervision of a faculty physician of the State University of New York at Buffalo, and may prescribe the medications buprenorphine/naloxone to these patients.

- o The Second Modification Order shall impose an additional term of probation upon Licensee in addition to the ones imposed pursuant to the First Modification Order. Commencing upon the effective date of the Second Modification Order, Licensee shall maintain, in a format that is acceptable to OPMC, a log of all ordering, prescribing, administering and/or dispensing of all controlled substances. This log shall include the following information: the drug, the dose, the patient, the diagnosis, the date that the drug was prescribed, and such other information related to ordering, prescribing, administering and/or dispensing as may be requested by OPMC. This log shall be subject to review by the Licensee's Practice Supervisor (as required under the terms of paragraph 6 of the First Modification Order, and its subparagraphs) and Licensee shall make this log, and the records of any patient referenced in this log, immediately available to OPMC, upon demand. The Practice Supervisor shall examine this log, and shall include, as part of the Practice Supervisor's review of the medical records of patients treated by Licensee, an examination of at least 10 medical records per month obtained through examination of the log entries.
- o The First Modification Order imposed a term of probation that restricted Licensee's practice of medicine to a group setting for the duration of the Order. Licensee may participate in the State University of New York at

Buffalo Addiction Medicine Fellowship Program consistent with this term of probation.

and

All remaining Terms and Conditions will continue as written in the First Modification Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive my right to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Bureau of Professional Medical Conduct, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 5/7/13

REDACTED

TORIN JONATHAN FINVER, M.D.
RESPONDENT

The undersigned agree to Licensee's attached Application for a Second Modification Order and to its proposed penalty, terms and conditions.

DATE: 5/7/13

I DO NOT HAVE AN ATTORNEY OR
ESQ.

Attorney for Licensee

DATE: 5/10/13

REDACTED

KEITH W. SERVIS

Director

Office of Professional Medical Conduct

ATTACHMENT "I"
(First Modification Order)

Nirav R. Shah, M.D., M.P.H.
Commissioner

NEW YORK
State Department of
HEALTH

Public
Sue Kelly
Executive Deputy Commissioner

September 28, 2012

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Torin J. Finver, M.D.
REDACTED

Re: License No. 200101

Dear Dr. Finver:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 08-141. This order and any penalty provided therein goes into effect October 5, 2012.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED
Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Wilfred T. Friedman, Esq.
60 East 42nd Street, 40th Floor
New York, NY 10165

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NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
TORIN J. FINVER, M.D.

MODIFICATION
OF
CONSENT ORDER

This matter was brought to the New York State Board for Professional Medical Conduct (BPMC) for decision at the request of Torin J. Finver, M.D., (Licensee), License No. 200101. Licensee was subject to BPMC Order No. 08-141 (Order), effective August 8, 2008. The Order suspended Licensee's license to practice medicine for an indefinite period of no less than twelve months. The purpose of this proceeding was to determine whether the suspension was to be stayed upon the satisfaction of a Committee on Professional Conduct of the State Board for Professional Medical Conduct that Licensee, among other things, has successfully complied with or completed a course of therapy and ongoing evaluation, which includes a determination that Licensee is no longer incapacitated for the active practice of medicine and that he is both fit and competent to practice as a physician.

A meeting of the Committee was held in the above-entitled proceeding on April 5, 2012. Licensee appeared with his attorney, Wilfred T. Friedman, Esq., before a Committee of the State Board for Professional Medical Conduct consisting of William M. Blsordi, M.D., Chair, Krishna R. S. Gujavarty, M.D., and Thea Graves Pellman. The Committee determined, by unanimous decision, after review of the documents submitted for the petition and careful consideration of all evidence and testimony provided that the suspension of Licensee's license shall be stayed and he shall be allowed

to practice medicine subject to the following conditions.

THEREFORE, IT IS HEREBY ORDERED THAT:

The suspension on the Licensee's license to practice medicine in the State of New York is stayed and that he shall be subject to the following conditions. Licensee shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters concerning Licensee. Licensee shall respond in a timely manner to all OPMC requests for written periodic verification of Licensee's compliance with this Order. Licensee shall meet with a person designated by the Director of OPMC, as directed. Licensee shall respond promptly and provide all documents and information within Licensee's control, as directed. These conditions shall take effect upon the Board's issuance of this Order and will continue so long as Licensee remains licensed in New York State.

Licensee shall maintain active registration of his license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect thirty (30) days after the effective date of the Order and will continue for as long as Licensee remains licensed in New York State.

Licensee shall provide the Director of OPMC with the following information and shall ensure that such information is kept current: a full description of Licensee's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; all current and past hospital, facility, medical practice affiliations and/or applications for such affiliations; all professional licenses held and applied for; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility.

1
Licensee shall notify OPMC, in writing, within thirty (30) days of any additions to or changes in the required information.

Prior to returning to the active practice of medicine in New York State, Licensee must either become recertified by the American Board of Family Medicine, demonstrate board eligibility in any other medical subspecialty, or undergo a clinical competency assessment and successfully complete any directed retraining.

Licensee's return to practice is subject to the following terms of probation. Unless otherwise indicated, these terms shall remain in effect for a period lasting seven (7) years from the effective date of this Order.

Licensee may not commence the practice of medicine in New York State until all proposed monitors have been approved in writing by the Director of OPMC.

1. The period of probation, including some or all of the terms and conditions described herein, may be tolled, at the discretion of the Director of OPMC, during periods in which the Licensee is not engaged in the active practice of medicine in New York State. Licensee shall notify the Director, in writing, if he is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Licensee shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon the Licensee's return to active practice in New York State, the period of probation shall resume and the Licensee shall fulfill any unfulfilled probation terms and such additional requirements as the Director may reasonably impose or as are necessary to protect the public health.

2. Licensee shall remain free from alcohol and all other mood altering substances other than those prescribed for Licensee's treatment by a physician or other licensed health care practitioner aware of Licensee's history of chemical dependency and mental illness. Licensee shall not self-prescribe any medications.

3. Licensee shall be monitored by a qualified health care professional (Sobriety Monitor) proposed by Licensee and approved in writing by the Director of the OPMC. The Sobriety Monitor is to be familiar with Licensee's history of chemical dependency, mental illness and with the terms of this Order. Licensee shall submit the name of a proposed successor within seven (7) days of learning that the approved Sobriety Monitor is no longer willing or able to serve.

a. The Sobriety Monitor shall oversee Licensee's compliance with the terms and conditions imposed herein and shall cause to be performed forensically valid, random, directly observed, unannounced hair, blood, breath, oral fluid and/or urine tests for the presence of alcohol and other drugs in Licensee. Licensee shall provide drug screens at a frequency of no less than six (6) times per month for the first twelve (12) months. The Licensee shall be called on a seven day a week basis and drug screens must include weekend and evening collections. After twelve (12) months, if Licensee has been fully compliant with this Order, a request for a reduction in the number of drug screens may be submitted for approval in writing by the Director of OPMC.

b. The Sobriety Monitor shall notify OPMC immediately if Licensee refuses such a test.

c. The Sobriety Monitor shall notify OPMC immediately if any drug screen reveals, or if

the monitor otherwise learns, the Licensee is not alcohol/drug free.

- d. Every three (3) months, the Sobriety Monitor shall submit to OPMC a report certifying compliance with each of the terms of this Order or describing in detail any failure to comply. The quarterly reports shall include forensically valid results of all tests for the presence of alcohol and other drugs performed during that quarter.
- e. Licensee shall report to the Sobriety Monitor within four (4) hours of being contacted by the Sobriety Monitor to submit a hair, blood, breath oral fluid and/or urine specimen.
- f. Licensee shall avoid all substances that may cause positive results such as poppy seeds/mouthwash/cough medication/hand sanitizer/herbal teas. Any positive result will be considered a violation of this Order.
- g. If Licensee is to be unavailable for sobriety monitoring for a period of 15 days or more, Licensee shall notify his Sobriety Monitor and seek and receive prior written permission from the Director of OPMC subject to any additional terms and conditions required by the OPMC.
- h. Following completion of the seven (7) year period of probation, Licensee shall be required to provide drug screens under the auspices of the Committee for Physician Health (CPH) for as long as he remains licensed in New York State, with any positive drug screen result to be immediately reported to the Director of OPMC.

1. Licensee shall be precluded from prescribing benzodiazepines and Schedule II and Schedule III controlled substances for the duration of the Order.
4. Licensee shall practice medicine only in a group setting for the duration of the Order.
- b. Licensee shall be supervised in his practice by a licensed physician (Practice Supervisor) proposed by Licensee and approved in writing by the Director of OPMC. The Practice Supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC, and shall be in a position to regularly observe and assess Licensee's medical practice. The Licensee shall make available to the Practice Supervisor any and all records or access to the practice requested by the Practice Supervisor. The Practice Supervisor is to be familiar with Licensee's history of chemical dependency, mental illness and with the terms of this Order. Licensee shall submit the name of a proposed successor within seven (7) days of becoming aware that Licensee's approved Practice Supervisor is no longer willing or able to serve in that capacity.
- a. The Practice Supervisor shall submit a report to OPMC every three (3) months regarding the quality of Licensee's practice, any unexplained absences from work, and Licensee's compliance or failure to comply with each condition described within this Order.
- b. The Practice Supervisor shall review a random selection of no less than twenty (20) medical records each month for the first six (6) months of practice. The review will determine whether the Licensee's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Based on the reviews, the Director of OPMC may continue this requirement for an additional period of time.

c. The Practice Supervisor shall establish the capability of immediately obtaining a drug screen on Licensee in response to any complaint or observation that indicates Licensee may not be drug or alcohol free

d. The Practice Supervisor shall oversee the Licensee's prescribing, administering, dispensing, ordering, inventory and wasting of controlled substances.

e. The Practice Supervisor shall immediately report any suspected or actual impairment, inappropriate behavior, perceived deviation from accepted standards of medical care or possible misconduct to OPMC.

f. The Practice Supervisor shall notify OPMC immediately if Licensee violates any term(s) of this Order

7. Licensee shall not treat nor prescribe medications for any friends or family members.

8. Licensee shall continue in treatment with qualified health care professionals (Therapists) proposed by Licensee and approved in writing by the Director of OPMC. The Therapists are to be familiar with the Licensee's history of chemical dependency, mental illness and the terms of this Order. Licensee shall continue in treatment for the duration of the Order, under a treatment plan approved by the Director of OPMC. OPMC, at its discretion, may provide information or documentation from its investigation files concerning Licensee to Licensee's Therapists. Licensee shall submit the name of a proposed successor within seven (7) days of becoming aware that an approved Therapist is no longer willing or able to serve in that capacity.

- a. The Therapists shall submit reports to OPMC every three (3) months certifying compliance with treatment by Licensee and describing in detail any failure to comply.
- b. The Therapists shall report immediately to OPMC any significant pattern of absences, suspected or actual impairment, failure to comply with or discontinuation of recommended treatment, including any prescribed medications, by Licensee.
9. The Director of OPMC shall reserve the authority to direct the Licensee to undergo an independent evaluation by a practitioner or facility (Evaluator) approved by the Director of OPMC that specializes in alcohol/chemical dependency issues and/or mental illness. The Licensee shall execute authorizations to provide the Evaluator with copies of all previous treatment records and provide the Evaluator with a copy of this Order. The Licensee shall execute authorizations, and keep said authorizations active, allowing the Evaluator to obtain collateral information and communicate with the Director of OPMC or his designee. OPMC, at its discretion, may provide information or documentation from its investigation files concerning the Licensee to the Evaluator. Reports of such evaluations shall be submitted directly to the Director of OPMC. Licensee shall follow treatment recommendations made by the Evaluator. If the Evaluator determines that the Licensee is not fit to practice, the Licensee shall immediately cease practice until it is determined he is fit to resume practice. Failure to comply with the treatment recommendations will be considered a violation of this Order.
10. Licensee shall continue participation in self-help fellowship (e.g., AA, NA, Caduceus, other). Licensee shall maintain an ongoing relationship with a sponsor.
11. Licensee shall continue enrollment in the Committee for Physicians Health (CPH) and

shall engage in a contract with CPH that fully describes the terms, conditions and duration of a recovery program. Respondent shall fully comply with the contract

a. Licensee shall provide a written authorization for CPH to provide to the Director of OPMC with any/all information or documentation requested by OPMC to determine whether Licensee is in compliance with the CPH contract and with this Order, including full access to all records maintained by CPH with respect to Licensee.

b. Licensee shall cause CPH to report to OPMC if Licensee refuses to comply with the contract, refuses to submit to treatment or if his impairment is not substantially alleviated by treatment. CPH shall report immediately to OPMC if Licensee is regarded at any time to be an imminent danger to the public.

12. Licensee shall inform all treating physicians or other health care practitioners of Licensee's history of chemical dependency and mental illness. Licensee shall advise OPMC, within seven (7) days, of any controlled or mood-altering substances dispensed, administered or prescribed by any treating physician or other health care practitioner to him.

13. The Director of OPMC shall reserve the right to review Licensee's professional performance. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts (inclusive of electronic records), and interviews with or periodic visits with Licensee and staff at his practice locations or OPMC offices.

14. Licensee shall maintain legible and complete medical records that accurately reflect the evaluation and treatment of all patients. The medical records shall contain all information

required by State rules and regulations regarding controlled substances.

15. Licensee shall adhere to Federal and State guidelines and professional standards of care with respect to infection control practices. Licensee shall ensure education, training, and oversight of all office personnel involved in medical care, with respect to those practices.

16. Licensee shall conduct himself in all ways in a manner befitting his professional status and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.

17. Licensee shall personally meet with a person designated by the Director of OPMC as requested by the Director, at a time and location determined by OPMC.

18. Should Licensee practice medicine in another state, he shall provide written authorizations for the State Medical Board and/or the Physician Health Program to provide the Director of OPMC with any/all information or documentation as requested by OPMC.

19. Licensee shall comply with all terms, conditions, restrictions and limitations to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance of the Order. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Licensee as may be authorized pursuant to the law.

As Licensee agreed in the Consent Order, failure to comply with any of the conditions described above may result in disciplinary action.

This Order shall be effective upon issuance.

Dated: 4/28/12

REDACTED

William M. Bisordi, M.D.
Committee Chair
NYS Board for Professional Medical Conduct